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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,102	10/27/2003	Mark Gerber	16477-003002	3097

26231 7590 10/29/2007
FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER

HOANG, DANIEL L

ART UNIT	PAPER NUMBER
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2136

MAIL DATE	DELIVERY MODE
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10/29/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/694,102

Applicant(s)

GERBER ET AL.

Examiner

Daniel L. Hoang

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 35-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

RESPONSE TO ARGUMENTS

Applicant's arguments with respect to claims 35, 43, and 48 have been considered but are moot in view of the new ground(s) of rejection.

CLAIMS PRESENTED

Claims 35-52 are presented. Claims 1-34 have been withdrawn.

CLAIM REJECTIONS

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claim 35, 43, and 48 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The limitations "second set of encrypted codes" and "second encrypted code" are not disclosed in applicant's specification. Appropriate correction is required.
2. Claim 44 and 45 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claims recite sending a second set of encrypted codes to the computer and receiving from the computer an encrypted code from the second set of

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encrypted codes. Applicant does not disclose any sending or receiving of a second set of encrypted codes. Appropriate correction is required.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 35, 43, and 48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Said claims recite the following limitations:

"Identifying a second set of codes, each code in the second set of codes associated with a human-readable label for presentation to the user of the computer, the second set of codes including the first code; and generating a second set of encrypted codes corresponding to the second set of codes, the second set of encrypted codes including a second encrypted code corresponding to the first code, the second encrypted code different from the first encrypted code."

It is possible that the claimed second set of codes corresponds to the disclosed "responsive flight information" (see page 14 of the specification) but this is unclear due to the fact that it is not disclosed that the responsive flight information is ever associated with a second set of encrypted codes. Due to this inconsistency, examiner cannot be certain what applicant intends the above limitation to imply.

Claims 36, 37, 44, 45, and 46 are similarly rejected for containing the above limitations (ie. "second encrypted code" and "second set of encrypted codes").

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 35-36, 39-46, 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daughtrey (US Patent No. 6801226), and further in view of Doljack (US Patent No. 6442276).

As per claim 35, 43 and 48:

A method for preventing a program on a computer from using data transmitted by the computer to a website, comprising:

identifying a first set of codes, each code in the first set of codes associated with a human-readable label for presentation to a user of the computer, the first set of codes including a first code associated with a first human-readable label;

generating a first set of encrypted codes corresponding to the first set of codes, the first set of encrypted codes including a first encrypted code corresponding to the first code;

sending, to the computer, the first set of encrypted codes and the human-readable label associated with each code in the first set of codes;

receiving, from the computer, at least one encrypted code from the first set of encrypted codes, the at least one encrypted code representing a selection by the user, the received at least one encrypted code including the first encrypted code;

identifying a second set of codes, each code in the second set of codes associated with a human-readable label for presentation to the user of the computer, the second set of codes including the first code; and

generating a second set of encrypted codes corresponding to the second set of codes, the second set of encrypted codes including a second encrypted code corresponding to the first code, the second encrypted code different from the first encrypted code.

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Referring to figure 3 of the Daughtrey reference, examiner interprets the following to be analogous to the claimed invention.

"first set of codes" – elements 74a, 74b, 74c, for example "Airlines" are interpreted as a first set of codes.

"each code" – each airline is interpreted as a code, ie. Delta Airlines.

"human-readable label" – each Airline logo is interpreted as a human-readable label. They correspond to a respective airline.

As evident in element 77 of figure 3, when the user makes a "selection", further information is made available to the user. As pictured, the user selects "American Airlines" as his/her selection. The resulting information pertaining to the user's selection is interpreted by examiner as the claimed "second set of codes".

Daughtrey does not disclose that the sets of codes made available to the user are ever encrypted. It is possible that they are sent as plaintext that may be eavesdropped upon by a third party. The importance of a secure transaction are well known in the art. Employment of encryption algorithms to that effect are also well known in the art. It would have been obvious to one of ordinary skill in the art to which the subject matter pertains to modify the Daughtrey invention by utilizing an encryption process to encrypt data in order to thwart potential eavesdroppers.

Doljack teaches an encryption process which can be combined with the Daughtrey invention in order to make it more secure (see col. 5, lines 25-54). Utilizing what is taught by Doljack, a person of ordinary skill in the art can generate encrypted sets of codes that correspond to the sets of codes taught by Daughtrey. Sending the encrypted sets of codes instead of a plaintext sets of codes would prevent a third party from being able to eavesdrop private communication.

As per claim 36, 46, 50, Doljack teaches:

The method of claim 35, wherein generating the first set of encrypted codes comprises performing an encryption process utilizing a first encryption key identification code, and wherein generating the second

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set of encrypted codes comprises performing the encryption process utilizing a second encryption key identification code different from the first encryption key identification code.

[See rejection of claim 35, wherein the encryption key identification code is interpreted as the random number and the encrypted process is interpreted as the process of combining the random number with the plaintext code.]

As per claim 39, Daughtrey teaches:

The method of claim 35, wherein the human-readable labels are sent to the computer as graphic images.

[see rejection of claim 1, wherein the logos are graphic images.]

As per claim 40, Daughtrey teaches:

The method of claim 35, wherein the first encrypted code corresponding to the first code is associated with the first human-readable label in an HTML statement.

[see fig. 3]

As per claim 41, Daughtrey teaches:

The method of claim 35, wherein sending the first set of encrypted codes and the human-readable label associated with each code in the first set of codes comprises sending a webpage.

[see fig. 3]

As per claim 42, Daughtrey teaches:

The method of claim 35, wherein the human-readable label associated with each code in the first set of codes describes air travel information.

[see fig. 3]

As per claim 44 and 45, Daughtrey teaches:

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The article of claim 43, the operations further comprising:

sending, to the computer, the second set of encrypted codes.

receiving, from the computer, at least one encrypted code from the second set of encrypted codes, the

received at least one encrypted code including the second encrypted code.

[see fig. 6]

As per claim 49, Daughtrey teaches:

The system of claim 48, the computer system comprising one or more servers operable to communicate with the computer through a data communication network.

[see col. 1, lines 63-67 and col. 2 lines 1-23]

Allowable Subject Matter

Claims 37-38, 47, and 51-52 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

POINTS OF CONTACT

- * Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulaney Street
Alexandria, VA 22314


- * Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Hoang whose telephone number is 571-270-1019. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Daniel L. Hoang
10/26/07

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